



Order Filed on April 22, 2021
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

ROGER CHAVEZ, ESQ. (RC4040)
THE NATIONAL NEWARK BUILDING
744 BROAD STREET, SUITE 1600
NEWARK, NEW JERSEY 07102
(973) 735-0530
ATTORNEY FOR DEBTOR, EVARISTO BURDIEZ

In Re:

EVARISTO BURDIEZ,

Debtor.

Case No.: 20-23664/VFP

Chapter 13

Hearing Date: April 15, 2021 @ 11:00AM

Judge: Vincent F. Papalia

**ORDER HOLDING CECILIA OTERO AND WEINBERG & COOPER, LLC IN
CONTEMPT FOR VIOLATING THE AUTOMATIC STAY AND IMPOSING
SANCTIONS FOR VIOLATING THE AUTOMATIC STAY**

The relief set forth on the following pages, numbered two (2) through three (3), is hereby
ORDERED.

DATED: April 22, 2021



Honorable Vincent F. Papalia
United States Bankruptcy Judge

Debtor: EVARISTO BURDIEZ

Chapter 13 | Case No. 20-23664/VFP

Caption of Order: ORDER HOLDING CECILIA OTERO AND WEINBERG & COOPER, LLC IN CONTEMPT FOR VIOLATING THE AUTOMATIC STAY AND IMPOSING SANCTIONS FOR VIOLATING THE AUTOMATIC STAY

This matter having been opened to the Court by Roger Chavez, attorney for Debtor, Evaristo Burdiez, upon the filing of a Motion seeking an Order Holding Cecilia Otero and Weinberg & Cooper, LLC in Contempt for Violating the Automatic Stay and for the Imposition of Sanctions for Violating the Automatic Stay; and with opposition having been filed by John Voorhees, of Patel, Soltis, Cardenas & Bost, appearing for Cecilia Otero, and Alex Pisarevsky, of Cohn, Lifland, Pearlman, Herrmann & Knopf, LLP, appearing for Weinberg & Cooper, LLC, and all represented parties having argued before the Honorable Vincent F. Papalia at a hearing held on April 15, 2021 (the "Hearing"); and the Court having considered the submissions of the parties and the arguments of counsel; and for the reasons set forth on the record at the Hearing, and for good cause appearing:

IT IS ORDERED: that Cecilia Otero and Weinberg & Cooper, LLC are held in Contempt for Violating the Automatic Stay as follows: a) on December 17, 2020, Weinberg & Cooper, LLC, Family law attorneys for Creditor, Cecilia Otero, allowed the Bergen County Sheriff's Office to execute an unlawful eviction and lockout of the Debtor and his family from the property located at 365 River Road, Bogota, New Jersey ("Property") while on notice of the Debtor's bankruptcy filing; and, b) thereafter, Weinberg & Cooper, LLC failed to request that the Superior Court of New Jersey, Chancery Division, Family Part-Bergen Vicinage stay the post-petition prosecution of a motion filed on behalf of Creditor, Cecilia Otero, seeking, *inter alia*, attorneys' fees against the Debtor.

IT IS FURTHER ORDERED: that Evaristo Burdiez is awarded actual damages in the amount of \$10,798.50 which correspond to attorneys' fees incurred by him to address and remedy the stay violations caused by Cecilia Otero and Weinberg & Cooper, LLC.

Debtor: EVARISTO BURDIEZ

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IT IS FURTHER ORDERED: that based on the available facts and evidence presented to the Court, Evaristo Burdiez's request for punitive damages against Cecilia Otero and Weinberg & Cooper, LLC is denied without prejudice.

IT IS FURTHER ORDERED: that with respect to the issues of compensatory damages for Debtor's lost wages, COVID-19 related damages, the pipe damage sustained to the Property and the issue of emotional distress damages sustained by members of the Debtor's family allegedly caused by the December 17, 2020 unlawful eviction, Evaristo Burdiez reserves the right, on notice to Cecilia Otero, Weinberg & Cooper, LLC, and the Court, to request an evidentiary hearing to determine these issues at a later date.

IT IS FURTHER ORDERED: that Cecilia Otero and Weinberg & Cooper, LLC shall be jointly and severally liable to remit direct payment to "Roger Chavez, Attorney at Law," the sum of \$10,798.50, which constitutes an award for actual attorneys' fees in favor of Evaristo Burdiez, within thirty (30) days of the date of this Order.

IT IS FURTHER ORDERED: that in the event Cecilia Otero and/or Weinberg & Cooper, LLC fail to comply with this Order, Evaristo Burdiez may file a Motion to Enforce his Rights, including reducing this Order to Judgment form.

IT IS SO ORDERED, ADJUDGED AND DECREED.

In re:
Evaristo Burdiez
Debtor

Case No. 20-23664-VFP
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2
Date Rcvd: Apr 22, 2021

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 24, 2021:

Recip ID	Recipient Name and Address
db	+ Evaristo Burdiez, 365 River Road, Bogota, NJ 07603-1017

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 24, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 22, 2021 at the address(es) listed below:

Name	Email Address
Alex A Pisarevsky	on behalf of Creditor Weinberg & Cooper LLC ap@njlawfirm.com
Alex A Pisarevsky	on behalf of Interested Party Melissa Cohen Esq ap@njlawfirm.com
Denise E. Carlon	on behalf of Creditor U.S. Bank Trust National Association as Trustee for GIFM Holdings Trust dcarlon@kmlawgroup.com bkgroup@kmlawgroup.com
Franklin G. Soto	on behalf of Creditor Jose Fenibal Duque-Castano yesenia@bsglaw.com sotofr96356@notify.bestcase.com
Franklin G. Soto	on behalf of Creditor Gloria Liliana Salazar yesenia@bsglaw.com sotofr96356@notify.bestcase.com
Franklin G. Soto	on behalf of Creditor Claudia Marcela Duque-Salazar yesenia@bsglaw.com sotofr96356@notify.bestcase.com

District/off: 0312-2

User: admin

Page 2 of 2

Date Rcvd: Apr 22, 2021

Form ID: pdf903

Total Noticed: 1

John Richard Voorhees, III

on behalf of Creditor Cecilia Otero bk@focusedlaw.com
bk@focusedlaw.com;g35648@notify.cincompass.com;10440@notices.nextchapterbk.com

Marie-Ann Greenberg

magecf@magtrustee.com

Marie-Ann Greenberg

on behalf of Trustee Marie-Ann Greenberg magecf@magtrustee.com

Roger Chavez

on behalf of Debtor Evaristo Burdiez rchavez01@aol.com rchavez@chavezlegal.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 11